

(S E R V E D )  
( SEPTEMBER 2, 1988 )  
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

WASHINGTON, D. C.

September 2, 1988

DOCKET NO. 88-21

ALLSOUTH STEVEDORING COMPANY, ET AL.

v.

GEORGIA PORTS AUTHORITY

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MOTION TO WITHDRAW COMPLAINT GRANTED;  
PROCEEDING DISCONTINUED

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Complainants have filed a motion requesting that their complaint be withdrawn and dismissed without prejudice. Complainants explain that the agreement which respondent had entered into, which complainants were challenging under the shipping acts, has been withdrawn by respondent and will not be put into effect.

This proceeding is at such an early stage that an answer to the complaint has not yet been filed. Under the federal rules of civil procedure (Rule 41(a)(1), 28 U.S.C.A.), a complainant has the right to withdraw a complaint without order of the court simply by filing a notice of dismissal at any time before an

answer has been filed. Under the Commission's rules, the complainants' right to withdraw their complaint has been recognized. See Roberts Steamship Agency, Inc. v. Board of Commissioners of New Orleans, etc., 21 F.M.C. 492 (1978); Kerr Steamship Co. v. Port of New Orleans, 23 SRR 1295 (1986).

Complainants' motion is granted. The complaint is dismissed without prejudice and the proceeding is discontinued.

*Norman D. Kline*

Norman D. Kline  
Administrative Law Judge

(S E R V E D)  
( October 7, 1988 )  
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

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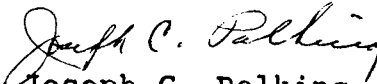
GEORGIA PORTS AUTHORITY

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**NOTICE**

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Notice is given that the time within which the Commission could determine to review the September 2, 1988, discontinuance of the complaint in this proceeding has expired. No such determination has been made and accordingly, the discontinuance has become administratively final.

  
Joseph C. Polking  
Secretary